

Application No.: 10/689,855

Docket No.: 21994-00064-US

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered. In an effort to expedite the prosecution claim 1 has been cancelled and claim 2 has been amended to clarify the patentable aspects of the present process as compared to the cited prior art.

According to the present invention, oxygen gas is introduced into a filming apparatus when a material for an inorganic alignment layer is evaporated on each surface of a pair of bases. By introducing oxygen gas into the filming apparatus, an inorganic alignment layer, which conducts a pre-tilt angle of liquid crystals to be an angle of 3 to 10 degrees, is formed on each surface of the pair of bases (see page 13, lines 3-12 and page 15, lines 13-26).

However, Lu et al. (U.S. 6,426,786) disclose that the alignment film can be produced by sputtering, chemical vapor deposition (CVD), plasma-enhanced chemical vapor deposition (PECVD) and other thin-film deposition methods (see Column 3, lines 44-47). Lu et al. discusses the CVD system and the method of CVD (see FIG. 2 and Column 5, lines 9-58). However, Lu et al. fail to disclose introducing oxygen gas into the apparatus for forming a dielectric alignment film when evaporating the inorganic material for the dielectric alignment film on the substrate. Furthermore, Lu et al. fail to disclose gas pressure of oxygen gas that is  $6 \times 10^{-3}$  to  $3 \times 10^{-2}$  Pa.

These differences in the method of the invention as compared to Lu render the claims sufficiently unobvious over the art. The Board of Appeals reminds us that the

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Examiner cannot rely upon hindsight in combining references—as stated in *Ex Parte Chicago Rawhide Manufacturing Co.*, 223 U.S.P.Q. 351, 353 (PO Bd. App. 1984):

The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, *without the benefit of the appellant's specification*, to make the necessary changes in the reference device. (Emphasis added).

Claim 3 has been added to clarify the major difference from Lu et al. in gas pressure of oxygen gas to be introduced into a filming apparatus when forming an inorganic alignment layer.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

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The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

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Respectfully submitted,

By 

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